

REMARKS

Upon entry of the above amendments, this application will contain claims 1-21 and 23-25 pending and under consideration. The application was originally filed with claims 1-23. In a Preliminary Amendment, claims 21 and 22 were canceled and new claims 24 and 25 were added. In the present submission, the claims have been further amended and claim 23 has been canceled. As discussed more fully below, it is believed that the claims are now patentable. Reconsideration leading to allowance of all pending claims is requested.

I. Provisional Obviousness Double Patenting Rejection

Claims 1-20 and 23-25 are provisionally rejected on the ground of non-statutory obviousness-type double patenting over claims 1-34 and 37-74 of copending Application No. 10/510,305 (hereinafter "Evers '268"). Specific reference was made to the specie in Claim 39 in Evers '268.

Upon indication of allowable subject matter, the undersigned will submit an acceptable terminal disclaimer in this case of the co-pending case, whichever case is allowed last.

II. Rejections Under 35 USC §112

Claim 23 is rejected under 35 U.S.C. 112, first paragraph. Claim 23 has been canceled. Therefore this rejection is moot.

III. Conclusion

Applicants respectfully request withdrawal of all outstanding rejections and timely reconsideration of this application leading to allowance of all elected claims. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this Response or other issues that may be resolved in that fashion.

Respectfully submitted,

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